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January 7, 2025

Re: Frommer et al. v. MoneyLion Techs. Inc. et al., No. 23 Civ. 6339 (JMF)

Dear Judge Furman:

We write on behalf of MoneyLion concerning exhibits in connection with the March 31, 2025 trial scheduled in this case.

In accordance with the Scheduling Order (Dkt. 123) and Rule 6.A.xii of Your Honor's Individual Rules, MoneyLion submitted a list of "all exhibits to be offered in its case-in-chief" with the December 20, 2024 Joint Pretrial Order. Consistent with the Court's rules, that list did not include exhibits that MoneyLion intends to use for impeachment or on rebuttal only.

In preparing its opposition to Sellers' December 20, 2024 Proposed Findings of Facts and Conclusions of Law (the "Opposition Brief"), which is also being filed today, MoneyLion identified certain documents that it intends to use at trial for impeachment and/or on rebuttal. MoneyLion has included references to those documents in its Opposition Brief.

For the Court's ease of reference, and to streamline the trial, MoneyLion has prepared a supplemental exhibit list (attached as Exhibit A) that includes these documents. MoneyLion respectfully requests permission to (i) file that supplemental exhibit list today, and (ii) submit to the Court the referenced documents within one week (by January 14, 2025). MoneyLion intends to supplement this list as necessary (with non-case-in-chief documents) but thought it would be useful for the parties and the Court to make this request as soon as it had identified these additional impeachment/rebuttal documents.

We have contacted Sellers about this request, and they have asked us to report their position as follows:

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Sellers believe that the Court's Order (ECF No. 123) was clear as to the December 20 deadline for exhibit lists, but reserve their rights pending an opportunity to review MoneyLion's proposed supplemental exhibit list.

MoneyLion is seeking one week (*i.e.*, until January 14) to submit its supplemental exhibits in the hopes that the additional time will give (i) Sellers an opportunity to review the list, and (ii) the parties the chance to meet and confer in order to narrow, and potentially resolve, any objections Sellers may have to these documents. The additional time will not affect any case deadlines.¹

For these reasons, MoneyLion respectfully requests leave to file its current supplemental exhibit list today, and to submit the underlying exhibits to the Court by Tuesday, January 14, 2025.

Respectfully submitted,

/s/ Edward N. Moss

Edward N. Moss

The Honorable Jesse M. Furman
United States District Judge
United States District Court for the Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

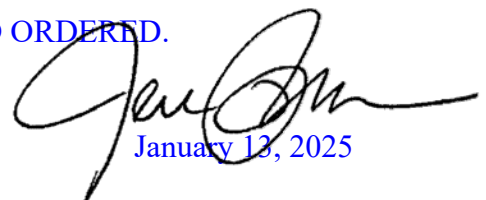
BY ECF

cc: Counsel of Record

/Enclosure

Application GRANTED.

SO ORDERED.



January 13, 2025

¹ MoneyLion's reply briefs in support of its *Daubert* motions are due on January 14, 2025, the parties' final pre-trial conference is scheduled for March 27, 2025, and as noted above, trial is scheduled to begin on March 31, 2025.